

San Bernardino Issue Summary - NEPA

Objectors:

California Chaparral Institute, Richard W. Halsey

California Wilderness Coalition, California Native Plant Society, and Center for Biological Diversity, Ryan Henson, Greg Suba, Lisa Belenky

Summary:

Objectors are concerned about the use of best available science, and potential for development and management activities in IRAs that would impair roadless character.

Best Available Science (CCI): “We object to the USFS’s response in the LMP Amendment to the suggestion we made to apply the best available science, including USFS scientist Dr. Jack Cohen’s, in determining how the Forest Service manages chaparral near communities. The USFS responded that incorporating such science was “outside the scope of this analysis.” We find such a conclusion unsupportable since the main reason for fuel treatments is to protect communities... Such an approach would guide individual projects and would avoid the repetitive nature of comment letters from us and others that continually remind the USFS that conducting landscape level fuel treatments, 300 foot buffers, and cool season prescribed burns unnecessarily damage the chaparral and are not scientifically supportable or cost effective in terms of structure protection?”

IRAs (CWC, CNPS & CBD): “The SEIS and proposed ROD fail to consider impacts of opening the Cucamonga C IRA to development. The SEIS and ROD fail to explain how the important values described above would be impacted by placing 2,966 acres of the IRA in the BC and DAI zones and 4,077 acres of the IRA in the BCNM zone..... Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when the FEIS and ROD fail to meet the standards set forth in NEPA.”

Review Team Summary:

Best Available Science: As stated in the Response to Comments, the issue related to use of best available science in project design is beyond the scope of this analysis, which is to amend LMP land use zone allocations for select IRAs and to amend LMP monitoring and evaluation protocols. in response to the terms of the Settlement Agreement between the Forest Service, State of California, and other settlement parties.

The Forest’s response to the objector’s comment that the use of research to design fuels management treatments is best considered at the project level. It would be appropriate to consider the research suggested by the objector in designing site-specific projects - it is important to consider recent and emerging science on chaparral ecology and structure protection when choosing the best management strategies for these plant communities and the adjacent urban areas. The Forest Service has not rejected the objector’s suggestion to use best available science,

but rather has stated that the science suggested by the objector is more appropriately applied at the project level than at the Land Management Plan level.

Development in IRAs: Although the objectors state that the Preferred Alternative (2a) would place 2,966 acres of Cucamonga C in the BC and DAI zones, in fact this alternative assigns no DAI zone acres to Cucamonga C. Under the Preferred Alternative, Cucamonga C would include 37 acres of BC and 4,068 acres of BCNM for a total of 4,106 acres. Alternative 2a does shift 9 acres from BCNM to BC; this would be the only change from the current zoning. This change results in far fewer opportunities for development in the IRA than the objectors suggest.

In addition to the limitations imposed by the BC or BCNM designation, development would be further limited by the restrictions of the 2001 Roadless Area Conservation Rule (RACR). All San Bernardino NF LMP direction allowing road construction and reconstruction in IRAs is superseded by the Roadless Area Conservation Rule (RACR) without further agency action, and Forest Service project decisions will be guided by the LMP direction as modified by the RACR.

The management intent for BCNM in the LMP does not support the objector's claim that BCNM is "zoned for development." While the objector is concerned that activities allowed by exception would be common practice and would impair the roadless character, this does not appear likely. Some activities that might occur by exception would be constrained by the RACR. Renewable energy projects would require ongoing road access for maintenance, and would thus be infeasible. Similarly, oil and gas leasing is limited by "no surface occupancy" clauses. Finally, no "by exception" activities would be authorized without project level analysis, which would require compliance with the law, regulation, and policy as well as consistency with the LMP.

REMEDY(S) PROPOSED BY OBJECTORS

- Use best available science, including the work of Dr. Jack Cohen, to design fuels treatments near communities, in order to promote health of the chaparral community and provide cost-effective structure protection. (CCI)
- Place the Cucamonga C IRA in the RW zone to provide appropriate recognition for the area's high wildlife, scenic, recreational and cultural values and create consistency between the two forests. (CWC, CNPS & CBD)
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INSTRUCTIONS BEING CONSIDERED

A more specific rationale should be provided in the Draft ROD that better supports and more clearly connects to the information provided in the IRA evaluation in Appendix 2 of the FSEIS, including if and how any higher value factors may have influenced the draft decision.